

Application No.: 10/603,916
Amendment dated October 5, 2005
After Non-Final Office Action of August 5, 2005

7 Docket No.: 08212/0200293-US0/NC28794US

REMARKS

Claims 1 - 20 are now pending in this Application. The Final Office Action (FOA) dated August 5, 2005 has rejected Claims 1 - 20. Applicants have amended Claims 1, 15, and 19. Applicants submit that the pending claims are patentable for the reasons discussed in detail below.

The 35 U.S.C. §102 rejection of Claims 1-4, 7, 8, 10, and 15-20 over Andrangi:

Section 2 of the FOA indicates that Claims 1-4, 7, 8, 10, and 15-19 continue to be rejected, and new Claim 20 is rejected, under 35 U.S.C. §102(e) as being anticipated by Andrangi et al. (U.S. Patent Application Publication No. 20040120328, hereinafter referred to as Andrangi). Andrangi is directed to a seamless, secure roaming solution for mobile computing across enterprise firewalls. (See Andrangi, pg. 1, para [0001].) The FOA admits that "there are differences between the internal home agent of Andrangi et al. and the proxy home agent as described in the specification, as well as differences between the external home agent of Andrangi et al. and the home agent as described in the specification . . ." (FOA, pg. 15, lines 3-6.) However, the FOA concludes that "there are no difference between these devices as currently claimed." (FOA, pg. 15, lines 6-7.) Although "the specification necessarily informs the proper construction of the claims," (Phillips v. AWH Corp., No. 03-1269, 03-1286, 2005 U.S. App. LEXIS 13954 (Fed. Cir. July 12, 2005), the FOA dictates that "[d]escriptions/limitations found in the description of the invention must be included in the claim language in order for these descriptions/limitations to limit the claims." (FOA, pg. 15, line 22 through pg. 16, line 2.)

Applicants respectfully contend that this arbitrary and capricious dictate contradicts current law. Also, there is no requirement that applicants add negative limitations to specify how an applicant's invention is NOT like a cited reference. Accordingly, applicants continue to respectfully disagree that Andrangi discloses or suggests each of the limitations of the rejected claims as the existing limitations should be construed in view of applicants' specification. Nevertheless, without conceding any limitation in the scope of the invention, and to avoid being forced to pay additional fees for an appeal on an unsupportable agency decision, applicants have amended independent Claims 1, 15, and 19 with language from the specification. Specifically, the independent claims

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now specify that it is the HA that notifies the PHA of the mobile node, which makes it clear that the mobile node does not notify the PHA of the mobile node. This eliminates the need for the mobile node to make two security associations and two mobility bindings that are required by Adrangi. This also eliminates the need for more than one Mobile IP layer, which eliminates the need to encapsulate a data packet more than once, resulting in a smaller packet size. Applicants respectfully contend that negative limitations should not be mandated, nor is any negative limitation necessary, to explicitly specify such eliminations. Support for the notification is found in the specification at a number of locations, including page 7, lines 12-13. The specification also makes it clear that one security association is created between home agent (HA) and a mobile node. (See Spec., pg. 7, lines 7-9.)

Accordingly, the rejection of independent Claims 1, 15, and 19 under 35 U.S.C. §102(e) should be withdrawn. Further, dependent claims include all of the limitations of the independent claims from which the dependent claims depend. Thus, dependent claims are patentable for at least the same reasons as the corresponding independent claims. Accordingly, the rejection of Claims 2-4, 7, 8, 10, and 20 under 35 U.S.C. §102(e) should also be withdrawn.

The 35 U.S.C. §103 rejection of Claims 5, 9, and 14 over Adrangi in view of Liu:

Section 4 of the FOA indicates that Claims 5, 9, and 14 continue to be rejected under 35 U.S.C. §103(a) as being unpatentable over Adrangi in view of Liu et al. (US Patent Application Publication No. 20030212900, hereinafter referred to as "Liu"). Liu is directed to "packet-classification network services such as firewalls." (Liu, pg. 1, para [0001].) Liu does not disclose or suggest an HA or a PHA, and does not suggest the additional language of amended independent Claim 1. Thus, dependent Claims 5, 9, and 14 are patentable for at least the same reasons as corresponding independent Claim 1. Accordingly, the rejection of dependent Claims 5, 9, and 14 under 35 U.S.C. §103(a) should be withdrawn.


The 35 U.S.C. §103 rejection of Claims 6 and 11-13 over Adrangi in view of Liu & Mikkonen:

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Section 5 of the FOA indicates that Claims 6 and 11-13 continue to be rejected under 35 U.S.C. §103(a) as being unpatentable over Adrangi in view of Liu, and further in view of Mikkonen (US Patent Application Publication No. 20040001475, hereinafter referred to as "Mikkonen"). Mikkonen is directed to "routing data packets with regard to virtual private networks (VPN)." (Mikkonen, pg. 1, para [0001].) Mikkonen does not disclose or suggest an HA or a PHA, and does not suggest the additional language of amended independent Claim 1. Thus, dependent Claims 6 and 11-13 are patentable for at least the same reasons as corresponding independent Claim 1. Accordingly, the rejection of dependent Claims 6 and 11-13 under 35 U.S.C. §103(a) should be withdrawn.

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In view of the above amendments and remarks, applicant believes the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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